

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICKKE L. GREEN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-402-L
)	
JOHN WHETSEL, SHERIFF,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Valerie K. Couch on July 13, 2005. Petitioner, a state pretrial detainee appearing *pro se*, has filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. §2254. The Magistrate Judge recommended that this action be summarily dismissed without prejudice to refiling because petitioner has failed to demonstrate exhaustion of available state remedies.

The court file reflects that petitioner filed a written objection to the Report and Recommendation within the time limits provided. Petitioner has also filed certain applications pertaining to his now-dismissed unsuccessful attempt to appeal the Magistrate Judge's denial of appointment of counsel in the United States Court of Appeals for the Tenth Circuit. Petitioner also recently filed an

“Emergency Application of Notice” which is another filing which fits into the category of documents aptly described by the Magistrate Judge as an “ongoing recitation of development in his pending state court proceedings.” Report and Recommendation, p. 3.

The court has reviewed petitioner’s objection and the entire case file in this matter, but finds no reason to justify overturning the conclusions of the Magistrate Judge in this matter which are well supported by the facts and applicable law. The Magistrate Judge properly found that petitioner has not sought habeas corpus relief in the state courts and that he has failed to establish that state court remedies are unavailable. The Magistrate Judge was undeniably correct in recommending that petitioner’s applications for criminal prosecutions are without merit and should be summarily denied.

Thus, having conducted a *de novo* review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. Petitioner’s Applications relating to his dismissed appeal **[Doc. Nos. 29, 32 & 33]** are **denied as moot**. Petitioner’s Applications for Criminal Prosecution **[Doc. Nos. 24, 25, 26 & 27]** are **denied**. Petitioner’s Applications for Leave to Supplement **[Doc. Nos. 7, 9, 12, 15, 18, 19, 22, 23 & 30]** are **granted** to the extent that the information contained in those applications have been considered in the court’s review and disposition of this action. Petitioner’s Applications for Leave to Supplement seeking to supplement his petition with cumulative pleadings

submitted to the Tenth Circuit Court of Appeals [**Doc. Nos. 13 & 14**] are **denied**. Petitioner's Application of Notice [**Doc. No. 35**], to the extent it can be interpreted as seeking relief from this court is **denied**. The Petition for Writ of Habeas Corpus [**Doc. No. 1**] is hereby **denied**. Petitioner's Application for Immediate Release on Bail [**Doc. No. 6**] is **denied**. This action is summarily **DISMISSED WITHOUT PREJUDICE for failure to exhaust state court remedies**. Judgment will issue on a separate document in accordance with the Federal Rules of Civil Procedure. The clerk is directed to transmit a copy of the order and judgment to the respondent for informational purposes

It is so ordered this 29th day of August, 2005.



TIM LEONARD
United States District Judge